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Letter dated 15 June 2006 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Paraguay submitted pursuant to resolution 1624 (2005) (see annex). I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ellen Margrethe **Løj**
Chairman
Security Council Committee established pursuant to resolution 1373 (2001)concerning counter-terrorism

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Annex

[Original: Spanish]

Letter dated 12 June 2006 from the Permanent Representative of Paraguay to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

This is in reference to Security Council resolution 1624 (2005) concerning additional measures to combat terrorism, which was adopted in the context of the Security Council summit held in 2005.

In response to your request of 4 April last, I am attaching herewith the report of Paraguay concerning the implementation and application of resolution 1624 (2005) (see appendix).

Appendix

Implementation of resolution 1624 (2005)

Paragraph 1

1.1 What measures has Paraguay put in place to prohibit by law and to prevent incitement to commit terrorist acts? What further steps, if any, are under consideration?

The Republic of Paraguay remains firmly committed to implementing all Security Council resolutions aimed at preventing and combating terrorism in all its forms. Accordingly, the Government of Paraguay, through its security agencies, has redoubled its effort to coordinate actions designed to achieve this objective.

The legislature is currently considering an amendment to the Penal Code that would define and establish penalties for criminal behaviours that might be considered related to terrorism, including money-laundering, kidnapping and other activities. To this end, the National Congress has set up a committee to review the Penal Code that is currently in force. The committee meets periodically to draft a bill providing for the inclusion in the Penal Code or in supplementary legislative instruments of the amendments required to bring our legislation in line with international commitments.

In the Executive Branch, the State security agencies, including a number of government institutions, are working together in coordinated fashion to prevent acts from being committed that would threaten the security of the State. By Act 1337/1999, the National Defence Council was created to set security and defence policies. The Council serves as the advisory and consultative body to the President of the Republic on security and defence matters; it is made up of the Ministers of National Defence, of Foreign Affairs and of the Interior, as well as the highest-ranking general officer of the Armed Forces of the Nation, the head of the Joint Chiefs of Staff, the official in charge of the State intelligence agency and, finally, a Permanent Secretary. The Council is empowered to meet and to decide what action should be taken when acts have been committed that entail a risk to domestic security and the national defence effort.

Another initiative worth mentioning is the recent approval by the Executive Branch of the National Security Plan, which will be implemented by the Ministry of the Interior through the National Police. The purpose of this plan is to improve security for all citizens and inhabitants of the Republic through the expansion and training of the police forces and the use of appropriate elements, equipment and technology.

As regards legislative activity, on 2 May 2006, the legislature adopted Act No. 2887, ratifying the framework agreement on cooperation in regional security matters between the States Parties of MERCOSUR, Bolivia and Chile, and Act No. 2888, ratifying the framework agreement on cooperation in regional security matters between the States Parties of MERCOSUR. Both agreements were signed in Belo Horizonte, Brazil, on 16 December 2004.

The purpose of the aforementioned international instruments is to optimize levels of security in the region, promoting broad cooperation and mutual assistance in connection with the prevention and suppression of illicit activities, especially at

the transnational level, including illicit trafficking of narcotic drugs and psychotropic substances; international terrorism; money-laundering; illicit trafficking of firearms, munitions and explosives; illicit trafficking in persons; smuggling of vehicles; and damage to the environment.

Cooperation and assistance will be provided through competent agencies of the Parties in connection with the planning or implementation of policies and the maintenance of public security and the security of individuals and their property, with a view to improving the efficiency of efforts to prevent and suppress illicit activities.

These efforts will include exchanging information, analyses and assessments and carrying out coordinated, simultaneous and/or complementary operational activities.

At the operational level, the National Antidrug Secretariat (SENAD) and the Secretariat on Prevention of Money Laundering (SEPRELAD), which are specifically entrusted with combating international criminal activities such as drug trafficking and money-laundering, are coordinating their efforts, and national institutions have recently been created to respond to new and even more dangerous types of organized transnational crime, such as kidnapping and extortion of individuals, which until recently were practically unknown in our countries.

As a result of the creation of the Secretariat on Prevention and Investigation of Terrorism (SEPRINTE), of the investigative units of the Public Prosecutor's Office charged with combating kidnapping, corruption and drug trafficking, and of the special operations units of the military, efforts have been made to develop systems of coordination and joint intelligence to be applied by all these crime-prevention forces. Some of these institutions have made significant arrests and prosecuted individuals suspected of criminal acts which by their nature could help finance terrorism and related crimes.

The National Commission for Prevention of and Response to Biological Emergencies (CONAPREB), presided over by the Ministry of National Defence, was established by Executive Decree No. 20,997, of 2003. This Commission brings together the national institutions responsible for preventing and responding to emergencies arising from fortuitous or intentional events involving nuclear, biological and chemical materials.

This Commission is made up of representatives of the Ministry for Foreign Affairs, the ministries of Justice and Finance, the National Directorate of Civil Aviation (DINAC), the National Police and the National Directorate of Customs, among others. Since it was established only recently, the Commission is currently drawing up regulations on its operation and powers.

1.2 What measures has Paraguay taken to deny safe haven to any persons with respect to whom there is credible and relevant information giving serious reasons for considering that they have been guilty of incitement to commit terrorist acts?

The Paraguayan immigration authorities constantly monitor all records of the entry and departure of persons, both nationals and foreigners, through the control posts which are located in areas where access to our country can be gained by land, air and river. The controls are implemented by checking travel documents against

international lists of persons who are wanted, around the world, for committing terrorist acts. The database is provided by Interpol and other international agencies.

The General Directorate of Immigration of the Ministry of the Interior is in charge of monitoring the movements of persons entering and leaving the national territory, and the Public Prosecutor's Office is responsible for prosecuting those who commit punishable acts. The two agencies receive periodic updates on persons who are included in and added to the list of individuals and/or entities involved in terrorism which is maintained pursuant to United Nations Security Council resolution 1267 (1999).

In addition, periodic checks of travel documents are conducted in different areas of the country with a view to determining if persons suspected of committing criminal acts have entered in irregular fashion. The police and tax authorities are present throughout such operations to ensure that proper procedures are followed.

Paragraph 2

1.3 How has Paraguay cooperated with other States in strengthening the security of its international borders with a view to preventing those guilty of incitement to commit a terrorist act or acts from entering their territory, including by combating fraudulent travel documents and, to the extent attainable, by enhancing passenger security procedures and terrorist screening?

Paraguay is firmly committed to cooperating on a permanent basis with other States in order to strengthen the security of its borders and prevent the entry of persons involved in terrorism. Accordingly, it has established units that are specifically devoted to this effort, the main one being the Tripartite Command of the Tri-Border, made up of local security agencies of Argentina, Brazil and Paraguay in the area known as the tri-border, where the borders of these countries converge. This body carries out intelligence operations and meets regularly to exchange information and plan joint operations in the area under its jurisdiction.

At the regional level, Paraguay belongs to the specialized working group on terrorism (GTE) established at the meeting of ministers of the interior of the Southern Common Market (MERCOSUR) and associated countries. This working group, which holds monthly organizational meetings, is responsible for coordinating the countries' anti-terrorism efforts in the area of intelligence, ensuring efficient contacts and exchange of information.

In addition, the intelligence agencies of Brazil, Paraguay, Uruguay, and Argentina, as well as Bolivia and Chile, have set up a communications network for the exchange of information and joint intelligence efforts relating to prevention and surveillance in the border areas of the region.

Paraguay also belongs to the "3+1" mechanism comprised by Argentina, Brazil, Paraguay and the United States of America. This mechanism was created four years ago to analyse security problems in the tri-border area between Argentina, Brazil and Paraguay, including terrorism and its financing, drug and arms trafficking, money-laundering, and customs and immigration controls.

The border intelligence units (UIFs) meet twice a year. At these meetings, members exchange sensitive data on the existence, structure and dynamics of

movements of assets and capital suspected of being used to finance terrorist activities. Depending on the evidence gathered in each case, this information could eventually be used by the public prosecutor's office to initiate criminal proceedings.

At the bilateral level, Paraguay cooperates closely with the Government of the United States of America in training Paraguayan security forces to combat different crimes; this cooperation focuses especially on supplying resources and equipment, and training for investigation and intelligence activities.

Paraguay also cooperates with the Republic of Colombia on a plan of action on security matters, demonstrating the shared vision of the two countries and their determination to combat transnational crimes affecting them. The plan of action consists of five thematic areas, namely, drugs and terrorism, illicit arms trafficking, intelligence, institutional and inter-institutional strengthening, and kidnapping.

Paragraph 3

1.4 What international efforts is Paraguay participating in or considering participating in in order to enhance dialogue and broaden understanding among civilizations in an effort to prevent the indiscriminate targeting of different religions and cultures?

Paraguay is supporting international efforts to enhance dialogue among civilizations and is prepared to participate in any initiative aimed at enhancing such a dialogue. At the regional level, our country participated in the summit of South American and Arab countries which was held May 2005, to foster political, economic, social and cultural ties among the countries of the South American continent and the Arab countries. Also, at the local level, the national authorities maintain ongoing contacts with the communities of foreigners living in Paraguay in order to meet individual members and learn about their customs and the extent to which they have adapted to our society.

In this regard, a Culture of Peace initiative is being implemented to disseminate educational materials and promote a culture of non-violence in the country. This effort is being conducted in coordination with different governmental and non-governmental agencies. A number of activities have been carried out at the national level with the aim of promoting democratic values and respect for human rights, including the principles of tolerance, respect and non-discrimination of religious, racial and ethnic groups.

1.5 What steps has Paraguay taken to counter incitement of terrorist acts motivated by extremism and intolerance and to prevent subversion of educational, cultural and religious institutions by terrorists and their supporters?

Paraguay does not allow and will not tolerate terrorist acts motivated by extremism and intolerance. The National Government has instructed the security agencies to carry out permanent surveillance of forces and/or groups, social movements, entities or NGOs which might be suspect because of the nature of their activities and their ideological, international, national or local scope, and whose actions in the country or abroad might have a negative impact on national security.

In the field of education, in keeping with the Declaration adopted by the forty-forth session of the International Conference on Education held in Geneva,

Switzerland, in October 1994, at which the Integrated Framework of Action on Education for Peace, Human Rights and Democracy was drawn up, we established the Paraguayan National Commission on Cooperation with UNESCO, the United Nations agency responsible for coordinating implementation of the Plan. Since 2002, this Commission has been carrying out a number of actions in compliance with the comprehensive plan on education for peace, bearing in mind the principles of tolerance, respect and non-discrimination of any type whatsoever.

Paragraph 4

1.6 What is Paraguay doing to ensure that any measures taken to implement paragraphs 1, 2 and 3 of resolution 1624 (2005) comply with all of its obligations under international law, in particular international human rights law, refugee law, and humanitarian law?

Paraguay believes that all obligations undertaken under international treaties and agreements should be faithfully observed, particularly those pertaining to respect for human rights, refugee rights and humanitarian law. Accordingly, it will take all necessary steps to comply with its international commitments. In this regard, Paraguay holds the view, which it has reiterated at a number of different forums, that compliance with international conventions concerning terrorism must go hand in hand with full respect for fundamental human rights and due judicial process.

Notwithstanding the above, those groups or individuals whose actions or behaviour are not in line with or do not meet the requirements set forth in international agreements are common criminals. They should be treated as such, and they should be liable to the sanctions and penalties established in the national legislation currently in force.